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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

JEREMY M. LARAMORE	)	DOCKET NO.
-vs-	)	11-0677
ILLINOIS-AMERICAN WATER COMPANY	)	
	)	
Complaint as to service in	)	
Belleville, Illinois.	)	

Springfield, Illinois  
Wednesday, May 23, 2012

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. JEREMY M. LARAMORE  
41 Sierra Drive  
Glen Carbon, Illinois 62034

(Appearing pro se)

SULLIVAN REPORTING COMPANY, by  
Carla J. Boehl, Reporter  
CSR #084-002710



1	<u>I N D E X</u>				
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	JEREMY M. LARAMORE				
5	By Judge Jones	114		129	
6	By Mr. Jones		119		
7	BETH A. BEARD				
8	By Mr. Jones	134		169	
9	By Mr. Laramore		139		173,182
10	By Mr. Sagone		163		
11	By Judge Jones		175		
12					
13					
14					
15	<u>EXHIBITS</u>				
16				<u>MARKED</u>	<u>ADMITTED</u>
17	JML 1.0, 2.0, 3.0, 3.1, 3.2, 3.3,			E-Docket	118
18	3.4, 3.5				
19	IAWC 1.00, 1.01, 1.02, 1.00R,			E-Docket	139
20	1.00SR, 1.01SR, 1.02SR,				
21	1.03SR, 1.04SR				
22					

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At this time we will take the appearances orally for the record. If you have entered an appearance previously at a hearing or a status hearing, you need not restate your business address or phone number or respell your name unless any of those things can have changed or you simply prefer to do that.

MR. LARAMORE: Jeremy M. Laramore.

MR. JONES: Thank you. Kenneth C. Jones for Illinois-American Water Company. Address and number were previously provided.

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1 Commission Staff?

2 MR. SAGONE: Thank you, Your Honor. Appearing  
3 on behalf of the Staff witnesses of the Illinois  
4 Commerce Commission, John Sagone. That's  
5 S-A-G-O-N-E, 160 North LaSalle Street, Suite C-800,  
6 Chicago, 60601. Telephone is (312) 814-2908.

7 JUDGE JONES: Okay. Thank you. Are there any  
8 other appearances?

9 (No response.)

10 Let the record show there are not, at  
11 least at this time.

12 I think we are ready to proceed. We  
13 will start with Mr. Laramore who has made several  
14 testimony filings. Before we begin, before we do  
15 that, are there any preliminary matters that the  
16 parties believe need attention at this time?

17 (No response.)

18 All right. Let the record show there  
19 are not. All right. With that we will turn to  
20 Mr. Laramore. Mr. Laramore, would you identify  
21 yourself for the record as a witness and in  
22 connection with that please stand to be sworn.

1           MR. LARAMORE: I am Jerry M. Laramore.

2                           (Whereupon the witness was duly

3                           sworn by Judge Jones.)

4           JUDGE JONES: All right. Please be seated.

5                           JEREMY M. LARAMORE

6           called as a witness pro se, having been first duly

7           sworn, was examined and testified as follows:

8                           DIRECT EXAMINATION

9           BY JUDGE JONES:

10           Q. Now, as a sworn witness go ahead and

11           restate your name.

12           A. My name is Jeremy M. Laramore.

13           Q. And you are the complainant in this

14           proceeding, is that correct?

15           A. That is correct, Your Honor.

16           Q. Mr. Laramore, you have made a number of

17           testimony filings in this docket, is that right?

18           A. That is correct, Your Honor.

19           Q. And a listing of those filings is on the

20           Commission's e-Docket filing system, is that right?

21           A. That is correct, Your Honor.

22           Q. And some of those filings included

1       attachments?

2               A.     That is correct, Your Honor.

3               Q.     Would you like to identify those and offer  
4       them into the evidentiary record at this time?

5               A.     Yes, I would, Your Honor.

6               Q.     All right. We will go through those sort  
7       of in the order in which they appear on e-Docket.  
8       Some of those we will assign some sort of exhibit  
9       number to.

10                      Mr. Laramore, did you make a so-called  
11       written testimony filing on February 15, 2012?

12               A.     Yes, I did, Your Honor.

13               Q.     And were there attachments to that?

14               A.     Yes, there was, Your Honor.

15               JUDGE JONES: Thank you. I will address this  
16       to counsel for Illinois-American Water Company and  
17       Staff. Do you want Mr. Laramore to identify those  
18       filings made on February 15 in any more detail at  
19       this time?

20               MR. JONES: No, Your Honor, not for the  
21       Company.

22               MR. SAGONE: No, Your Honor.

1 JUDGE JONES: Thank you. The filing on  
2 February 15 we will refer to as JML Exhibit 1.0. Any  
3 questions about that?

4 MR. LARAMORE: No, Your Honor.

5 BY JUDGE JONES:

6 Q. All right. Mr. Laramore, you also made a  
7 testimony filing on March 1, is that right?

8 A. Yes, Your Honor.

9 Q. Was that described in part as a Response to  
10 Direct Testimony of Illinois-American?

11 A. That is correct, Your Honor.

12 Q. And did it consist of the response?

13 A. Yes, it did, Your Honor.

14 JUDGE JONES: We will refer to that as JML  
15 Exhibit 2.0. Does anyone want any further  
16 identification by Mr. Laramore of that exhibit?

17 (No response.)

18 All right. Let the record show no  
19 response.

20 Q. (By Judge Jones) Mr. Laramore, did you  
21 also make a filing which appeared on e-Docket on  
22 March 23, 2012?



1           A.    Yes, I did, Your Honor.

2           Q.    Did that consist of supplemental testimony  
3 of Jerry M. Laramore along with some attachments?

4           A.    That is correct, Your Honor.

5           JUDGE JONES:  We will refer to that testimony  
6 filing as JML Exhibit 3.0.  Supplemental Map A will  
7 be 3.1.  Supplemental Map B will JML 3.2.  
8 Supplemental Map C will be JML 3.3.  The price quote  
9 identified as Item 5 on e-Docket will be JML 3.4.  
10 Then Item 6, another price quote, will be JML 3.5.

11                   Any questions about that, any of that  
12 identification, before we move on?

13                               (No response.)

14                   Let the record show there is not.

15                   Just briefly with regard to the  
16 February 15 filing, we will simply treat the  
17 attachments as part of JML Exhibit 1.0 and that is  
18 so-called File 2 on the e-Docket filing system.  If  
19 anyone sees a need to identify these in some  
20 different manner at some point, just bring that up  
21 and we will figure it out from there.

22           Q.    (By Judge Jones)  Mr. Laramore, do these

1 various items comprise your testimony and evidence in  
2 this case?

3 A. That is correct, Your Honor.

4 Q. Are you offering those things into the  
5 evidentiary record at this time?

6 A. Yes, I am, Your Honor.

7 JUDGE JONES: Mr. Jones, any response?

8 MR. JONES: No objection to the admission, Your  
9 Honor.

10 JUDGE JONES: Okay. Mr. Sagone?

11 MR. SAGONE: No objection from Staff.

12 JUDGE JONES: All right. Thank you. Those  
13 evidentiary items offered by Mr. Laramore are hereby  
14 admitted into the evidentiary record. I will not go  
15 back through those various exhibit numbers, other  
16 than to say that they are admitted as identified on  
17 e-Docket subject to the exhibit numbers that were  
18 just assigned to them. They are admitted as filed on  
19 the dates shown on e-Docket.

20 (Whereupon JML Exhibits 1.0,  
21 2.0, 3.0, 3.1, 3.2, 3.3, 3.4 and  
22 3.5 were admitted into

1 evidence.)

2 JUDGE JONES: All right. Thank you,  
3 Mr. Laramore.

4 Mr. Jones, do you have any cross  
5 examination questions for Mr. Laramore?

6 MR. JONES: Yes, Your Honor.

7 CROSS EXAMINATION

8 BY MR. JONES:

9 Q. Mr. Laramore, we were introduced earlier.  
10 My name is Ken Jones. I am an attorney for  
11 Illinois-American Water Company. I just have a few  
12 questions to ask you about your situation.

13 A. Okay.

14 Q. Now, you don't live in the house at 54  
15 Grandview which is the subject of your complaint?

16 A. At this time I can't live in the house  
17 without -- there is no occupancy permit without  
18 water.

19 Q. You bought the house out of foreclosure?

20 A. That is correct.

21 Q. And you bought the house without a home  
22 inspection?

1           A.   Well, there was an inspection done on the  
2 house itself.

3           Q.   All right.  Who did that inspection?

4           A.   I do not have that report with me.

5           Q.   Did the bank?

6           A.   It was done by a contractor from the  
7 Federal Housing Administration.

8           Q.   Did the contractor with the Federal Housing  
9 Administration check the water service?

10          A.   He checked -- well, the bank refused to  
11 turn on the water inside the house.

12          Q.   And, in fact, you bought the house without  
13 water service, correct?

14          A.   I purchased the house without the water  
15 inside running, yes.

16          Q.   And you never surveyed the property at 54  
17 Grandview?

18          A.   Do you mean -- I am not sure what you mean  
19 by survey.

20          Q.   When you purchased the house or any time  
21 after, you never got a formal survey setting out the  
22 metes and bounds, the legal description, of the

1 property?

2 A. I never paid for a description of the  
3 property, no.

4 Q. And you have never done a survey of the  
5 neighboring properties or the roadways there,  
6 correct?

7 A. That's correct.

8 Q. And you don't know where the actual  
9 property lines are, do you?

10 A. To my knowledge the property line is based  
11 on St. Clair County's maps.

12 Q. That was my next question. Do you have one  
13 of those maps in front of you that you provided?

14 A. Actually, I do. I have got actually  
15 multiple maps.

16 Q. Does that one have, yeah, the disclaimer in  
17 the bottom left-hand corner?

18 A. There you go.

19 Q. I am sorry, you can keep ahold of that. I  
20 just wanted you to follow along.

21 And does that disclaimer say,

22 "Disclaimer: St. Clair County does not guarantee the

1     spacial or content accuracy of the map, its precision  
2     or merchantability, the appropriate of applicable  
3     uses of the information portrayed or the date  
4     obtained herein. Any errors or omissions brought to  
5     our attention are appreciated and will be corrected.  
6     Data is subject to change without notice and updates  
7     are made continually to the underlying data base"?

8             A.    It does, yes.

9             Q.    And, Mr. Laramore, you don't know what the  
10    legal definition of "easement" is, do you?

11            A.    Not specifically the definition. I would  
12    think I would understand the common definition of it.

13            Q.    And you don't know what the configuration  
14    of the properties was back in 1922 when water service  
15    was initially initiated at 54 Grandview?

16            A.    No, I don't.

17            Q.    And if you look at -- and if you have it  
18    with you, I am looking at the Stipulation of Agreed  
19    and Disputed Facts that you and the Company filed  
20    back on May 4. If you look at Number 20 on page 4,  
21    is it correct that Illinois-American's tariff,  
22    Original Sheet Number 7, paragraph 8K says, "For new

1 service lines the customer shall install the service  
2 pipe to the curb or property line at a point approved  
3 by an authorized employee of the company. The  
4 company will install its service pipe from the  
5 distribution main to the customer's service pipe  
6 after the customer's service pipe has been installed  
7 and shall connect the lines at the company's sole  
8 cost and expense."

9 Did I read that correctly?

10 A. Yes, you did, sir.

11 Q. Now, if Ms. Beard testifies that she knows  
12 of no company service pipe anywhere in the interurban  
13 system that extends beyond the meter setting in the  
14 curb cock, wouldn't you believe her?

15 A. I would believe that she would have  
16 knowledge of that.

17 Q. Are you aware that there are 70,000  
18 customer connections in the interurban system?

19 A. No, I was not.

20 Q. Now, you don't know exactly where the  
21 service pipe from your house to the meter box is, do  
22 you?

1           A.    Yes, I do.

2           Q.    And how did you gain that knowledge?

3           A.    J.U.L.I.E. -- when I had contractors come  
4   in to get the quotes for possible replacement of the  
5   line, J.U.L.I.E. came out there and marked the line  
6   to my property line.

7           Q.    J.U.L.I.E. marked your --

8           A.    Marked the location of the water line, the  
9   gas line and they marked it all the way to the point  
10   on the property.

11          Q.    Did they mark electric, too? Was there  
12   electric there?

13          A.    Electric is overhead.

14          Q.    And who -- did you call J.U.L.I.E. or did  
15   the contractor call J.U.L.I.E.?

16          A.    I called J.U.L.I.E.

17          Q.    And J.U.L.I.E. responded to a private  
18   party requesting locate?

19          A.    Correct.

20          Q.    Are you aware that J.U.L.I.E. doesn't  
21   guarantee exact location of the utilities that they  
22   locate?



1           A.    They just say that it is accurate within  
2   three feet.

3           Q.    Within a foot and a half on either side of  
4   the facility?

5           A.    Yes.

6           Q.    Is Grandview Drive -- and I know there is  
7   some confusion here because there are actually two  
8   Grandview Drives.  There is Grandview Drive that runs  
9   in front of your home and the Grandview Drive a  
10   little bit to the north of your home.  Is the  
11   Grandview Drive that is in front of your home, is  
12   that a publicly dedicated street?

13          A.    Yes, it is.

14          Q.    When was it publicly dedicated?

15          A.    I do not know.

16          Q.    Do you know to which government body it was  
17   publicly dedicated?

18          A.    It is part of St. Clair County.  The county  
19   line ends actually at the fork in the road.

20          Q.    The fork with the other Grandview Drive?

21          A.    Correct, because this Grandview Drive is  
22   county and the other houses on the other road are

1 City of Belleville.

2 Q. I am sorry, City of Belleville?

3 A. I believe so, yes.

4 Q. Now, turning to the service pipe that runs

5 from your house to the meter box, what is that

6 service pipe made out of?

7 A. It is galvanized steel or iron. Galvanized

8 steel or iron.

9 Q. How did you gain the knowledge of what that

10 pipe was made of?

11 A. I dug it up.

12 Q. Did you dig it up beyond your property

13 line?

14 A. No, I did not.

15 Q. So it is galvanized steel or iron from your

16 house to your property line?

17 A. Correct.

18 Q. So you don't have actual knowledge of what

19 the service pipe is made up from your property line

20 to the meter box?

21 A. Inside the meter box it appears to be

22 galvanized steel, and I didn't see anything to

1     indicate that there should be different types of pipe  
2     between one and then the other.

3           Q.    Now, you didn't install that service pipe,  
4     did you?

5           A.    I did not.

6           Q.    Do you know when it was installed?

7           A.    No, I do not.

8           Q.    Do you know if it was ever repaired after  
9     it was initially installed?

10          A.    I do not.

11          Q.    Now, do you admit that one of the prior  
12     owners of 54 Grandview had to have installed a  
13     customer service pipe?

14          A.    That is correct.

15          JUDGE JONES:   Could I have that question and  
16     answer read back?

17                               (Whereupon the requested portion  
18                               of the record was read back by  
19                               the Reporter.)

20          JUDGE JONES:   Thank you.

21

22          BY MR. JONES:

1           Q.   And which part of that customer service --  
2   strike that.

3                   Which part of the service pipe that  
4   extends from your house to the meter box, which part  
5   of that pipe was installed by the prior owner?

6           A.   I do not know.

7           Q.   Do you have any records of that  
8   installation?

9           A.   No, I do not.

10          Q.   Now, you admitted that a prior owner had  
11   installed a customer service pipe. Now, according  
12   to -- according to your theory of the case you are  
13   saying that the prior owner installed the customer  
14   service pipe from the house to the property line at  
15   the front yard of your house and then the water  
16   company installed the service pipe, the rest of the  
17   service pipe, from the front of your property line,  
18   the front of your house, to the meter box, is that  
19   what you said?

20          A.   I actually do not know whether that was the  
21   case or not.

22          Q.   And there is no meter box, there is no

1 meter at your house, at your property line?

2 A. Correct.

3 MR. JONES: Thanks, Your Honor. I have no  
4 further questions.

5 JUDGE JONES: Thank you, Mr. Jones.

6 Mr. Sagone, did you have any questions for  
7 Mr. Laramore?

8 MR. SAGONE: No, we do not, Your Honor.

9 EXAMINATION

10 BY JUDGE JONES:

11 Q. Just briefly, Mr. Laramore, could you refer  
12 to the stipulation, paragraph 10?

13 A. Stipulation, paragraph -- I actually don't  
14 have the stipulation on me. If you could refer to  
15 which -- I have got the.

16 MR. JONES: If I could slide in.

17 A. I do actually have the full tariff, though.  
18 So if you direct me to the portion of the tariff, I  
19 could actually read that.

20 Okay. The costs of repairing the leak  
21 in the service pipe would depend on several factors.  
22 In any case it would be substantially less than

1 replacing the entire service pipe.

2 Q. Have you obtained any estimates with regard  
3 to the cost of repairing a leak as that term is used  
4 in the stipulation?

5 A. No, I have not.

6 Q. The stipulation refers to several factors.  
7 Do you have knowledge of what those factors are?

8 A. Could you specify -- I can make some  
9 assumptions on the factors, probably how deep the  
10 line is, where specifically the break is, whether it  
11 is under the roadway or if it is not under the  
12 roadway, and the type of pipe that it is would  
13 probably factor into the cost.

14 Q. Has the location of the leak itself been  
15 discovered?

16 A. Where the leak is coming up -- where the  
17 water is coming up from the ground has been  
18 discovered. The actual location of the damaged pipe  
19 is somewhere underneath there. I can give a general  
20 location, but as indicated in my initial testimony,  
21 the leak is where the water from that damaged pipe  
22 was coming up from the ground.

1           Q.    Thank you.  You mentioned the county line.

2                       Let me back up a minute.  Your  
3   property is located in which county?

4           A.    St. Clair County.

5           Q.    Is your property located within the  
6   boundaries of any municipality?

7           A.    It does not state -- or, no, it isn't.

8           JUDGE JONES:  All right.  Thank you,  
9   Mr. Laramore, now that there have been some questions  
10  asked of you, I will give you a chance to present any  
11  so-called redirect.  If there is anything that came  
12  up on cross examination from Mr. Jones that you would  
13  like to speak to at this time, this is your  
14  opportunity to do that.

15          MR. LARAMORE:  I would like to state that in  
16  the depositions of company service pipe, it doesn't  
17  indicate who created or installed the service pipe  
18  determines what is company service pipe.  It just  
19  states that the company service pipe -- and I will  
20  read off, its Original Sheet Number 1, Section 2,  
21  Subsection F, "Company service pipe means that  
22  portion of the service pipe"...

1           JUDGE JONES: A little slower so our court  
2 reporter can keep up with you there.

3           MR. LARAMORE: "Company service pipe means that  
4 portion of the service pipe for general water service  
5 extending from the distribution main to the curb line  
6 of the property line or easement boundary and  
7 including the curb cock or the outlet connection from  
8 the meter setting."

9                   I would like also to state that  
10 further back on Original Sheet Number 20, Section 25,  
11 Subsection A, states that, "Except as otherwise  
12 provided in these rules and regulations"...

13           JUDGE JONES: A little slower, please.

14           MR. LARAMORE: Sorry. "Except as otherwise  
15 provided in these rules and regulations, all pipe,  
16 fittings, equipment, meters or other appurtenances  
17 except for the customer service pipe, shall at all  
18 times be and remain the property of the company and  
19 may at any time during reasonable hours be inspected  
20 by the company and/or removed by it for repairs or  
21 replacements or upon discontinuation of service."

22                   And so to better understand that, I



1 would like to point out that, again, the definition  
2 of customer service pipe, which is back to Section 2,  
3 Subsection J, which states, "A customer's service  
4 pipe is that portion of the service pipe for general  
5 water service from the end of the company's service  
6 pipe to the customer's place of consumption." So you  
7 can extrapolate that, unless otherwise stated, the  
8 company service pipe and everything outside from that  
9 -- or everything not customer service pipe, including  
10 the company's service pipe, is the ownership and  
11 property of Illinois-American Water and it does not  
12 state that installation of that matters in who owns  
13 that section.

14 JUDGE JONES: Does that conclude your redirect?

15 MR. LARAMORE: That would conclude my redirect.

16 JUDGE JONES: Any recross?

17 MR. JONES: No, Your Honor.

18 JUDGE JONES: All right. That concludes the  
19 examination of Mr. Laramore. Thank you, sir.

20 Okay. Mr. Jones, is Illinois-American  
21 Water Company ready to proceed with the presentation  
22 of its testimony?

1           MR. JONES:  Yes, thank you, Your Honor.

2           JUDGE JONES:  Is there a witness to be sworn?

3           MR. JONES:  Yes, Beth A. Beard.

4           JUDGE JONES:  Please stand to be sworn.

5                               (Whereupon the witness was duly

6                               sworn by Judge Jones.)

7           JUDGE JONES:  Thank you.  Please be seated.

8                               BETH A. BEARD

9           called as a witness on behalf of Illinois-American

10          Water Company, having been first duly sworn, was

11          examined and testified as follows:

12                               DIRECT EXAMINATION

13          BY MR. JONES:

14          Q.  Ms. Beard, could you please state and spell

15          your last name for the record.

16          A.  Beth A. Beard, B-E-A-R-D.

17          Q.  And by whom are you employed and what is

18          your position?

19          A.  I am employed with Illinois-American Water

20          Company, and I am Network Operations Supervisor.

21          Q.  Have you prepared testimony and exhibits

22          for this proceeding on behalf of Illinois-American

1 Water Company?

2 A. Yes.

3 Q. Do you have that testimony in front of you?

4 A. Yes.

5 Q. Did you prepare or cause to be prepared

6 direct testimony in this case?

7 A. Yes.

8 Q. And if you look at a copy of what's

9 previously been marked and filed as IAWC Exhibit 1.00

10 which bears the caption Direct Testimony of Beth A.

11 Beard, is that a copy of your direct testimony?

12 A. Yes.

13 Q. And is it true and correct to the best of

14 your knowledge?

15 A. Yes.

16 Q. And if I asked you the questions contained

17 in your direct testimony today, would you give the

18 same answers?

19 A. Yes, I would.

20 Q. And in that direct testimony do you

21 identify and sponsor certain exhibits marked as IAWC

22 Exhibit 1.01 and 1.02?

1           A.    Yes.

2           Q.    And do you also have copies of those  
3 exhibits in front of you?

4           A.    Yes, I do.

5           Q.    And were those exhibits collected or  
6 prepared by you or under your direction or  
7 supervision?

8           A.    Yes.

9           Q.    And do they accurately reflect what they  
10 purport to reflect?

11          A.    Yes.

12          Q.    Also did you prepare, Ms. Beard, rebuttal  
13 testimony in this case?

14          A.    Yes, I did.

15          Q.    And looking at a copy of what's previously  
16 been marked as IAWC Exhibit 1.00R bearing the caption  
17 Rebuttal Testimony of Beth A. Beard, is this a copy  
18 of your rebuttal testimony?

19          A.    Yes.

20          Q.    And is it true and correct to the best of  
21 your knowledge?

22          A.    Yes.

1           Q.    And if I asked you the questions contained  
2   in your rebuttal testimony here today, would you give  
3   the same answers?

4           A.    Yes, I would.

5           Q.    And finally did you prepare or cause to be  
6   prepared surrebuttal testimony in this case?

7           A.    Yes.

8           Q.    And if you look at a copy of what's  
9   previously been marked as IAWC 1.00SR bearing the  
10   caption Surrebuttal of Beth A. Beard, is this a copy  
11   of your rebuttal testimony?

12          A.    Yes.

13          Q.    And is it true and correct to the best of  
14   your knowledge?

15          A.    Yes.

16          Q.    And if asked the questions contained in  
17   your surrebuttal testimony today, would you give the  
18   same answers?

19          A.    Yes, I would.

20          Q.    And in that surrebuttal testimony do you  
21   identify and sponsor certain exhibits marked as IAWC  
22   Exhibit 11.01SR, 11.02SR, 11.03SR and 11.04SR?

1           A.    Yes.

2           Q.    Do you have copies of those exhibits in  
3 front of you?

4           A.    Yes, I do.

5           Q.    Were those exhibits collected or prepared  
6 by you under your direction or supervision?

7           A.    Yes, they were.

8           Q.    And do they accurately reflect what they  
9 purport to reflect?

10          A.    Yes.

11          MR. JONES:  Your Honor, at this time I move for  
12 the admission into evidence of IAWC 1.00, 1.01, 1.02,  
13 IAWC 1.00R and IAWC Exhibit 1.00SR, 1 -- I am sorry,  
14 yeah, 1.01SR, 1.02SR, 1.03SR and 1.04SR as previously  
15 filed on e-Docket.

16          JUDGE JONES:  Thank you.  Do other parties have  
17 any objections to the admission of those exhibits  
18 sponsored by Ms. Beard?

19          MR. LARAMORE:  No, Your Honor.

20          MR. SAGONE:  No objection from Staff.

21          MR. LARAMORE:  No objection from the  
22 complainant.

1 JUDGE JONES: Let the record show that those  
2 evidentiary items are hereby admitted into the  
3 evidentiary record. I will not reread the exhibit  
4 numbers. They are as just reflected in the record  
5 this morning and on the e-Docket. They are admitted  
6 as filed on the dates shown on the e-Docket filing  
7 system.

8 (Whereupon IAWC Exhibits 1.00,  
9 1.01, 1.02, 1.00R, 1.00SR,  
10 1.01SR, 1.02SR, 1.03SR and  
11 1.04SR were admitted into  
12 evidence.)

13 JUDGE JONES: Okay. Mr. Laramore, do you have  
14 some questions for Ms. Beard?

15 MR. LARAMORE: Yes, I do, Your Honor.

16 CROSS EXAMINATION

17 BY MR. LARAMORE:

18 Q. Ms. Beard, are you familiar with the  
19 tariffs for Am-Water?

20 A. Yes, I am.

21 Q. Would you say the tariffs for Am-Water  
22 cover all possible service pipe configurations?

1           A.    I am sorry, could you say that one more  
2   time?

3           Q.    Would you say that the tariffs for Am-Water  
4   cover all possible service type configurations?

5           A.    I am not sure I understand the question.

6           Q.    No matter how a service pipe is set up  
7   between a distribution main and the property line, do  
8   the tariffs cover all possible combinations of that?

9           A.    Of any type of installation?

10          Q.    Well, I am just asking if the tariffs have  
11   rules, that rules from tariffs cover all the service  
12   pipes, all the service pipe configurations, that the  
13   rules for it apply to all sorts of pipe  
14   configurations?

15          A.    Yes.

16          Q.    Okay. Now, in my earlier statement when I  
17   was rebutting -- I guess responding earlier, I stated  
18   that the ownership of the property section of  
19   Am-Water tariffs state that everything that is not  
20   company service pipe -- or customer service pipe is  
21   the ownership and property of Am-Water. Would you  
22   say that that was a good summary of, unless otherwise



1       excepted, would you say that's a good summary of that  
2       section of the tariffs?

3             A.    The company service pipe is what the  
4       company installs.

5             Q.    Sorry.  I meant -- I must have mis-said  
6       that.  I stated the ownership section which is on  
7       Original Sheet Number 20, Subsection 25 or Section  
8       25, Subsection A, I stated earlier -- I was asking if  
9       a good summary of that subsection is that unless  
10      otherwise provided for in tariffs, all could be used  
11      to deliver water to a premise that is not customer  
12      service pipe is the property of Am-Water unless  
13      otherwise excepted?

14            A.    What is property of American Water is what  
15      Illinois-American Water installs.  If we install it,  
16      we maintain it.  Then anything beyond that would be  
17      the customer's.

18            Q.    Okay.  So you would state that that's not a  
19      good summary of Section 25, Subsection A?

20            A.    I am still not exactly sure of the  
21      question.

22            Q.    Let me go ahead and hand you the original

1 sheet then. I was just asking if a good summary of  
2 that section would be that, unless otherwise excepted  
3 in the tariffs, that all property that is not  
4 customer service pipe -- that is not customer service  
5 pipe -- is owned by Am-Water. I can hand you that  
6 section right here.

7 A. I would have to say it is the reverse.  
8 Anything that American Water did not install would be  
9 the customer's. I am sorry. Which one are we  
10 looking at?

11 Q. 25A.

12 A. Yes, that is correct.

13 Q. Okay. Are you familiar with the geography  
14 and location of the service pipe? Familiar, I am not  
15 asking if you know exactly where it is, but the  
16 geography and location of the service pipe that runs  
17 from the distribution main to the service at 54  
18 Grandview Drive?

19 A. I am familiar with the service pipe that  
20 runs from the main to the meter box that serves 54  
21 Grandview.

22 Q. Okay. So you are stating you have no

1 knowledge of anything after the meter?

2 A. No, sir, I do not.

3 Q. Okay. That means you -- so do you know the  
4 approximate location of the leak on the service pipe  
5 that runs from the distribution main to the property  
6 at 54 Grandview Drive?

7 A. No, I do not.

8 Q. Okay. In your opinion is the leak located  
9 on the company service pipe?

10 A. No, it is not.

11 Q. Now, in your written testimony submitted  
12 earlier you stated three reasons the leak is not on  
13 the company service pipe. The reasons are that  
14 Am-Water has never paid for the establishment or  
15 maintenance of the service pipe beyond the meter  
16 setting, the service pipe runs through another  
17 person's property, and the water meter determines  
18 where the company service pipe ends and the  
19 customer's service pipe begins, is that correct?

20 A. Yes.

21 Q. Okay. I would like -- I am going to ask  
22 you some questions based on each individual section.

1                   Now, I have here the definitions  
2   section of the tariffs here. It is Original Sheet  
3   Number 1. Can you state the definitions or in the  
4   definitions where it states that where the company  
5   pays for something determines that it owns or does  
6   not own that? If it states that, if you could show  
7   it.

8           A. If I could state where it says that in the  
9   tariff?

10          Q. Where it states that just because the  
11   company hasn't paid for a pipe means that the company  
12   owns or does not own it.

13          A. Under Number 2J it states, "A customer  
14   service pipe is that portion of the service pipe for  
15   general water service from the end of the company's  
16   service pipe to the customer's place of consumption."

17          Q. Does it state in there that paying for  
18   something determines what's a customer service pipe?

19          A. No, it does not.

20          Q. Okay, thank you. Since company service  
21   pipe or customer service pipe is not determined --  
22   defined by what is paid by, as is seen in the

1 definitions, do you still think that the company  
2 paying or not paying for something is a valid  
3 indication of what is or is not company service pipe?

4 A. I am sorry. Could you repeat that?

5 MR. LARAMORE: Hold on. I need a little water.  
6 I am parched.

7 (Pause.)

8 JUDGE JONES: Mr. Laramore?

9 BY MR. LARAMORE:

10 Q. Okay. Let me go ahead and ask you the  
11 question again. Since you weren't able to find the  
12 definition that stated that who pays for any  
13 maintenance or installation -- well, who pays for  
14 something determines who owns something in the  
15 definitions, do you think that a valid indication of  
16 what is company service pipe and what is customer  
17 service pipe is determined by what is paid for?

18 A. Well, I would think it is who installed it.

19 Q. But do the tariffs state that that  
20 determines who it is?

21 A. The tariffs don't.

22 Q. They do?

1           A.    No, the tariff does not state as far as who  
2   has paid for it.

3           Q.    Thank you.   Thank you.

4                    Okay.   Now, I actually have a copy of  
5   the map submitted by yourself with the written  
6   testimony that shows as Exhibit 1.02 by Am-Water.  
7   Now, can you show me on this map where the service  
8   pipe crosses another property line between the  
9   distribution main and the premise of 54 Grandview?

10          A.    I am really not exactly sure where the  
11   service line runs.   All I know is where the service  
12   line is tapped and where the meter box is.

13          Q.    Okay.   Well, the Exhibit 1.02A as you  
14   stated when you were sworn in, you did say it was  
15   accurate and this is a copy of that.   Using the map,  
16   could you please show based on the map where it shows  
17   the service pipe?

18          A.    I am going off the assumption that the  
19   drawing that you gave us where you drew in where the  
20   service line was located.

21          MR. LARAMORE:   Okay.   Could you read back what  
22   was stated when she was sworn in about their Exhibit

1 1.02?

2 JUDGE JONES: You want the court reporter to go  
3 back and --

4 MR. LARAMORE: I know that might be a little  
5 ways back, but I am pretty sure that she said this  
6 was accurate, and this is a copy of 1.02.

7 JUDGE JONES: It is not really too common to go  
8 all the way back to the witness actually identifying  
9 her testimony so, but you can proceed with your  
10 questions.

11 BY MR. LARAMORE:

12 Q. Okay. On this map do you see in the legend  
13 where it says the water line approximation, at the  
14 top where it says the water line approximation is  
15 equal to the solid silver unbroken line?

16 A. Yes.

17 Q. Now, do you see on that map where the solid  
18 silver unbroken line crosses any of the property  
19 lines except for the one at 54 Grandview Drive?

20 A. Well, again --

21 MR. JONES: I am going to object that the  
22 witness has a legal knowledge of where the property

1 lines are.

2 MR. LARAMORE: I think the map shows a rough  
3 estimation of the property lines.

4 A. But St. Clair County does not --

5 JUDGE JONES: Just a moment, Ms. Beard.

6 The objection is overruled. I think  
7 the witness has opened the door on this line of  
8 questioning. The witness is not, however, being  
9 required to provide anything that this witness views  
10 to be in a legal context. But the witness refers in  
11 her rebuttal testimony to the neighbor's property  
12 line. The witness refers to neighbor's property in  
13 her direct testimony. There is another reference to  
14 property lines on page 4 of that direct testimony.  
15 The witness is also sponsoring maps.

16 Given all that, I think it is only  
17 fair that Mr. Laramore at least has a right to -- is  
18 allowed to ask the witness these kinds of questions.  
19 Now, whether the witness has answers is something --  
20 is sort of another story, and she may or may not.  
21 But I think the question is fair game.

22 BY MR. LARAMORE:



1           Q.    Okay.  On the map do you see where the  
2   representation of the water line which as I said in  
3   the legend is represented by a solid, silver,  
4   unbroken line crosses any property line boundaries?

5           A.    No.

6           Q.    Okay, thank you.  Now, would you say a  
7   summation of -- I am doing a summation of it, just  
8   trying to simplify the definition of customer service  
9   pipe which you did read for us earlier -- reads that  
10  the customer service pipe is determined by the  
11  location of the company's service pipe?

12          A.    For the company service pipe, yes.

13          Q.    It says from the company service pipe to  
14  the place of consumption, correct?

15          A.    Correct.

16          Q.    Now, what that tells me is that the --  
17  well, that means that the company service pipe  
18  definition is really the most important part of  
19  what's going on.

20          JUDGE JONES:  Is that a question?

21          Q.    Yes, I do.  I would like to see if I could  
22  simplify the company's service pipe definition with

1     you so we can better understand what it states. To  
2     do this, I would like to combine certain terms so we  
3     can simplify it.

4                     Would you state that curb line  
5     easement boundary and property line, just for the  
6     basis of this, are relatively the same location on  
7     the service pipe?

8             MR. JONES:    Your Honor, I object to the form.  
9     It is a compound question. Also, the tariff words  
10    are what they are and they don't lend themselves to  
11    being simplified or summarized.

12            JUDGE JONES:   Response?

13            MR. LARAMORE:   Just for the basis of this case  
14    I don't see why there is no reasonable idea that  
15    those can't be considered synonymous. I am not  
16    changing the meaning of the definition. I am just  
17    combining terms together into a single term.

18            JUDGE JONES:    Ms. Reporter, could you read the  
19    question back, please?

20                               (Whereupon the requested portion  
21                               of the record was read back by  
22                               the Reporter.)

1           JUDGE JONES: I don't have a problem with  
2   Mr. Laramore attempting to ask the witness questions  
3   that take into consideration multiple provisions of a  
4   tariff at the same time. So in that respect I do not  
5   see a problem with the question. But when he asks  
6   the witness what she would state, I don't know what  
7   that means. So whenever something comes up that's  
8   unclear as to what's being asked, whether or not that  
9   was the cause of the objection, I think we have to  
10  back up and allow you to rephrase the question, and  
11  then we will go from there.

12           BY MR. LARAMORE:

13           Q. Okay. Actually, would you agree that for  
14  the basis of this case that the curb line easement  
15  boundary and property line are relatively the same  
16  location on the service pipe?

17           A. I still don't understand the question. Are  
18  the same location as the service pipe?

19           Q. Well, in this case an easement boundary  
20  property line and the curb line, whichever we use,  
21  would all be the same part of the service pipe, would  
22  all follow pretty much in the same area. So the

1 terms, while technically different, for this purpose  
2 are the same.

3 A. If you ask me if they are part of the  
4 service pipe, I am going to have to say no.

5 Q. No, I am asking if they are relatively the  
6 same location on the service pipe. They would fall  
7 in the same location?

8 JUDGE JONES: You are going to have to either  
9 re-ask your question or rephrase it, rather than sort  
10 of ask bits of it in the course of the line of  
11 questioning, because there is some confusion about  
12 what is it you are asking, at least in the witness'  
13 mind.

14 Q. Okay. Let me restate the definition of a  
15 company's service pipe. The definition of a  
16 company's service pine means that portion of the  
17 service pipe for general water service extending from  
18 the distribution main to the curb line or property  
19 line or easement boundary and including the curb cock  
20 or the outlet connection of the meter setting. And I  
21 am asking, for the purposes of this, it states that  
22 the curb line, the property line or easement boundary

1     for purposes of our case could be considered  
2     relatively one, the same thing?

3             A.    I hate to do this, but I guess I am  
4     assuming you are asking me if that's where the  
5     location is.

6             Q.    Would you agree that I could use one term  
7     for all three?

8             A.    Yes.

9             Q.    Sorry.  I made that maybe a little more  
10    complicated than I need to.  I am not -- I really  
11    haven't done cross examination before.

12                    Okay.  So also would you state or  
13    would you agree that the curb cock or outlet  
14    connection meter setting -- and also this is one for  
15    the purposes of what we are talking about?

16             A.    Yes.

17             Q.    Would you mind if I used the term, since  
18    the maps we have use the terms "property line" and  
19    "water meter," would you mind if I use those terms?  
20    Property line would be for -- what it was that, would  
21    be for the terms -- would mean all three terms, curb  
22    line, property line or easement boundary and the

1 water meter would mean the two terms, curb cock or  
2 the outlet connection to the meter setting?

3 A. Actually, a water meter is different than  
4 an outlet connection.

5 Q. Okay. Well, I am just asking if I can use  
6 that term to mean that. Not necessarily -- if you  
7 prefer, I could use another term. If you would  
8 prefer to use another term, I could use another term.  
9 Do you have another term you would prefer me to use?

10 A. I think I understand what you mean.

11 Q. Okay. So would you agree based on that,  
12 that by those terms we could state that the statement  
13 "company service pipe" means that portion of the  
14 service pipe from general water service extending  
15 from the distribution main to the property line and  
16 including the water meter is for our purposes and  
17 what we just discussed is the same thing as the  
18 definition of company service pipe?

19 A. Yes.

20 Q. Okay. Now, what that does is it breaks the  
21 definition -- that statement I just stated is a  
22 compound sentence and from English, you know, English

1     grammar, we know that a compound sentence is two  
2     independent clauses joined by a coordinator, in this  
3     case the word "and." And because it is joined by the  
4     word "and," both statements must be true in order for  
5     the sentence to be true. An independent clause is  
6     joined by a subject, a verb, and a predicate. When  
7     we look at the definition there we see -- I see one  
8     subject, two verbs and two predicates. The subject  
9     would be company service pipe means that portion of  
10    the service pipe for general water service. The two  
11    verbs are "extending" and "including," and the two  
12    predicates are "from the distribution main to the  
13    property line" and the phrase "the water meter."

14                   What I wanted to do is separate --  
15    would it be okay if I separated that into the two  
16    composite sentences?

17           MR. JONES: Let me -- I am going to object to  
18    the form. It is a compound question. It lacks  
19    clarity. It is really a statement of English grammar  
20    to which Mr. Laramore has not shown he is an expert,  
21    rather than a cross examination question.

22           JUDGE JONES: I don't think I actually heard

1 the question.

2 BY MR. LARAMORE:

3 Q. Well, okay. Would you say that that  
4 statement could be broken up into these two different  
5 statements and both must be true? The first  
6 statement would be the company service pipe means  
7 that portion of the service pipe for general water  
8 service extending from the distribution main to the  
9 property line, and that the second statement would be  
10 the company service pipe means that portion of the  
11 service pipe for general water service including the  
12 water meter. Would you -- let me actually rephrase  
13 that. Sorry.

14 Would you agree that we could break  
15 that statement that we just determined into those two  
16 statements?

17 A. I am very confused. I don't understand  
18 what the question is.

19 Q. Okay. We had agreed that we can say the  
20 statement -- sorry, I think some of my wording is  
21 making this a little more confusing than it needs to  
22 be, and I do apologize about that.



1                   What I am saying is we determined that  
2   we can say company service pipe means that portion of  
3   the service pipe for the water meter service  
4   extending from the distribution main to the property  
5   line --

6           JUDGE JONES:   A little slower, please.

7           Q.   That you agree that we can say the company  
8   service pipe means that portion of the service pipe  
9   for general water service extending from the  
10   distribution main to the property line and including  
11   the water meter is another way of stating the  
12   definition.   So you did agree to that.

13                   I am asking you if we can break that  
14   into two different -- would you agree that we can  
15   break that into two different sentences?   The first  
16   sentence would be company service pipe means that  
17   portion of the service pipe for general water service  
18   extending from the distribution main to the property  
19   line, and the second sentence would be the company  
20   service pipe means that portion of the service pipe  
21   for general water service including the water meter.

22           A.   So you are changing the definition that's

1 in the tariff?

2 Q. No, I am asking if I separate it into two  
3 terms -- it is two terms, both taking an action. Can  
4 I take that one statement that we said is equal to  
5 the definition and separate it into two different  
6 statements, that would still mean the same thing, and  
7 would those statements be fact?

8 A. I would have to say no because I am still  
9 really not quite sure what the question is.

10 Q. Okay. Okay. So would you say that -- let  
11 me re-do this then.

12 Would you say that we could say that  
13 the statement we made, company service pipe means  
14 that portion of the service pipe for general water  
15 service extending from the distribution main to the  
16 property line and including the water meter means  
17 both have to be true for that statement to be true?  
18 That it has to extend to the property line and  
19 include the water meter?

20 A. Well, the definition in our tariff is  
21 again --

22 Q. Well, we simplified the terms so the

1 statement was the same. So we agreed to that. I am  
2 asking if when we simplify it, you just cut it down  
3 to property line which you know means all three, or,  
4 or, or, and curb cock or water meter setting but that  
5 leaves just the "and" between them, so does that mean  
6 both must be true?

7 A. The company service line is the point from  
8 the distribution main to the curb stop. There is a  
9 meter top, meter lid, meter frame, a copper setter  
10 and the meter.

11 Q. So you are stating that -- I won't ask you  
12 if you are stating that the company service line goes  
13 from the distribution main to the water meter, and  
14 that's the definition of the company service pipe or  
15 that's your interpretation of that definition?

16 A. It stops at the outlet connection.

17 Q. Okay. Now, you know, I wanted to ask you  
18 if you would agree that the most common water pipe,  
19 water service pipe configuration, is that the water  
20 meter is located on the property line, is that  
21 correct?

22 A. The meter top with the copper setter and

1 the water meter, yes.

2 Q. Now, would you say that another common one,  
3 maybe not as common, but another common one would be  
4 if the meter is located inside of a premise, inside  
5 the premise, inside a building on property?

6 A. Correct.

7 Q. Okay. So based on what you have told me,  
8 would you agree that the company service pipe -- in  
9 those situations the company service pipe extends  
10 from the distribution main to the water meter inside  
11 the house?

12 A. No. The company service line, there is  
13 still a curb stop located out in the yard that  
14 controls the water going into the home and that's  
15 where it would stop, even though the water meter is  
16 located inside.

17 Q. Okay. Hold on. Can you show me where it  
18 states what the definition of a service pipe  
19 including the curb cock or outlet connection of the  
20 meter setting? What is the definition of a curb  
21 cock? Actually, it is not stated in the tariffs.

22 A. A curb cock is what controls the water

1 service. It turns it on and off. It is a control  
2 valve.

3 Q. Okay. So what you are stating -- I just  
4 want to make sure this is clear. What you are  
5 stating is that the definition of the company service  
6 pipe really only matters from the distribution main  
7 to the curb cock, period, correct?

8 A. To the outlet connection.

9 Q. Okay. Would you mind -- I would like to  
10 ask your opinion of why then would the Illinois  
11 Commerce Commission even need to include the other  
12 three statements in there, that it extends from the  
13 distribution main to the curb line or property line  
14 or easement property, instead of just saying it  
15 extends from the distribution main to the curb cock.

16 A. I believe the definition states that it  
17 extends to the outlet connection.

18 Q. Actually, it says the water service  
19 extending from distribution plain to the curb line or  
20 property line or easement boundary including the curb  
21 cock or outlet conclusion of the meter setting.  
22 Since we were able to simplify it earlier, we would

1     be able to state that extending -- we could say for  
2     the purposes of this case, supplementing in, that  
3     that portion of the service pipe for general water  
4     service extending from the distribution main to the  
5     property line and including the water meter. So why  
6     would they even need to put in a property line  
7     statement if it always just ends at that location?

8             A.    I can't answer why the tariff was written  
9     that way, but --

10            Q.    So you are not sure what the intent of that  
11     portion is, is that correct?

12            JUDGE JONES: Well, let the witness finish her  
13     answer before you jump in. Had you finished your  
14     answer to the previous questions?

15            A.    No, I understand what the definition of it  
16     is. We make a tap on the distribution main. We run  
17     a service pipe to a meter box, to a curb stop, a  
18     copper setter, various different names it has, and  
19     that's where we meter water consumption. It has a  
20     control valve. That's where we turn the water on and  
21     off, and those are normally located on the property  
22     line.

1           Q.    I understand.  But do you believe the  
2    intent of the Illinois Commerce Commission was to  
3    always just stop at the curb cock and, if so, why  
4    would they -- why do you believe they would include  
5    the other three statements specifically?

6           A.    We don't always just stop right at the curb  
7    cock.

8           Q.    So sometimes you actually -- the company's  
9    service does extend past the curb cock, is what you  
10   are saying?

11          A.    Yes.

12          MR. LARAMORE:  Thank you.  And I don't believe  
13   I have any other questions at this point.  Thank you.

14          JUDGE JONES:  All right.  Thank you,  
15   Mr. Laramore.

16                   Mr. Sagone, do you have any questions  
17   for Ms. Beard?

18          MR. SAGONE:  Yes, I do, Your Honor.

19                   CROSS EXAMINATION

20          BY MR. SAGONE:

21          Q.    Ms. Beard?

22          A.    Yes.

1 Q. Can you hear me okay?

2 A. Yes.

3 Q. I am John Sagone. I have just got a few

4 questions for you.

5 A. Okay.

6 Q. If I could direct you first to -- direct

7 your attention to your direct testimony, pages 2 and

8 3, starting at line 45, do you have that before you?

9 A. I am looking for it.

10 Okay.

11 Q. Starting at line 45 you state there,

12 "According to IAWC's tariff, the company's service

13 pipe includes that portion of the service pipe for

14 general water service extending from the distribution

15 main to the curb line or property line or easement

16 boundary and including the curb cock or the outlet

17 connection of the meter setting, end quote. That's

18 from ILCC Number 23, Original Sheet Number 1,

19 Definition 2F. "Accordingly, by definition the

20 company service pipe stops at the meter setting.

21 Furthermore, a customer service pipe is that portion

22 of the service pipe for general water service from



1 the end of the company's service pipe to the  
2 customer's place of consumption." Is that correct?

3 A. Yes.

4 Q. Now, this definition specifically includes  
5 the outlet connection of the meter setting, is that  
6 correct?

7 A. Yes.

8 Q. Okay. This definition does not  
9 specifically exclude pipe extending beyond the outlet  
10 connection of the meter setting, is that correct?

11 A. Correct.

12 Q. Okay. I would like to direct you now to  
13 your rebuttal testimony, page 2. Let me know when  
14 you are there.

15 A. Yes, I am there.

16 Q. Starting at line 37 you state there, "Yes,  
17 the tariff states, in quotes, service pipe supplying  
18 a premise shall not pass through or across any  
19 premises or property other than that to be supplied,  
20 and no water pipes or plumbing in any premises shall  
21 be extended therefrom to adjacent or other premises.

22 (ILCC Number 23, Original Sheet Number 7B)

1 Mr. Laramore's service pipe in fact passes through  
2 and across property other than his as the map clearly  
3 shows. See Exhibit 3.2." Is that correct?

4 A. Yes.

5 Q. Now, according to this tariff language that  
6 you cite the service pipe cannot pass through or  
7 across any premises or property other than that to be  
8 supplied, is that correct?

9 A. Yes.

10 Q. And if a pipe does pass through another  
11 premises or property other than that to be supplied,  
12 then it is not a service pipe under this language, is  
13 that correct?

14 A. It would have to be an easement.

15 Q. By that you mean that it is not a service  
16 pipe, is that correct?

17 A. A company service pipe or a customer  
18 service pipe? I am sorry, I am kind of confused on  
19 the question.

20 Q. Well, the language states that service  
21 pipes supplying the premises shall not pass through  
22 or across any premises or property other than that to

1 be supplied, correct?

2 A. Correct.

3 Q. So if it does pass through or across  
4 another premises or property, it can't be service  
5 pipe under this language, is that correct?

6 A. I think what I meant by that is that you  
7 couldn't go on private property. That if the service  
8 line ends --

9 JUDGE JONES: Mr. Jones, we need to let the  
10 witness --

11 A. I am sorry. At the time I was under the  
12 assumption that Mr. Laramore's service line ran into  
13 his neighbor's property.

14 Q. And you are no longer under that  
15 assumption?

16 A. Well, I still really do not know.

17 Q. Okay. I will move on.

18 I would like to refer you now to your  
19 surrebuttal testimony. Let me know when you have  
20 that.

21 MR. JONES: Not there yet.

22 There we go.

1           Q.    Have you got that before you?

2           A.    Yes.

3           Q.    So on page 1, starting at line 17, there

4   you are asked who owns the service pipe from the

5   meter box to Mr. Laramore's house and you answer,

6   "Mr. Laramore does, as referenced in my direct

7   testimony. (See, for example, lines 24 to 27, 32 to

8   34 and 81 to 82)." Is that correct?

9           A.    Yes.

10          Q.    Now, do you recall the definition of

11   "company service pipe"?

12          A.    Yes.

13          Q.    And that definition does not contain any

14   reference to physical ownership of the pipe, does it?

15          A.    No.

16          MR. SAGONE:    I have nothing further.

17          JUDGE JONES:   Mr. Jones, we will give you an

18   opportunity to conduct any redirect. Before we do

19   that, we'll do one other thing. It is a little

20   unusual to allow a party to ask any additional cross

21   based on some intervening cross, under the

22   circumstances we will ask Mr. Laramore if he has any

1 follow-up cross as a result of Mr. Sagone's cross.

2 MR. LARAMORE: I do not have any questions.

3 JUDGE JONES: Thank you.

4 MR. LARAMORE: No additional questions.

5 JUDGE JONES: All right. Mr. Jones, do you  
6 have any redirect for Ms. Beard?

7 MR. JONES: Yes. Thank you, Your Honor, a  
8 couple quick questions.

9 REDIRECT EXAMINATION

10 BY MR. JONES:

11 Q. Ms. Beard, how long have you been employed  
12 by Illinois-American Water?

13 A. Twenty-seven years.

14 Q. And what's your current position?

15 A. I am a Network Operations Supervisor.

16 Q. And what area does that cover?

17 A. It covers our interurban district which is  
18 Belleville, East St. Louis and Granite City.

19 Q. And how many years have you had that  
20 position?

21 A. Twenty-one.

22 Q. How many customers and connections are

1       there in that district?

2               A.     Approximately 70,000.

3               Q.     And how many times in your 21-year career  
4       as Network Operations Supervisor dealing with 70,000  
5       customer connections and their service pipes have you  
6       seen an instance where a company service pipe extends  
7       beyond the curb cock or the outlet connection of the  
8       meter setting?

9               A.     Never.

10              Q.     And how many times during your 21-year  
11       career, dealing with 70,000 connections, have you  
12       seen an instance where the company has repaired a  
13       service pipe beyond more than a foot or so off the  
14       outlet connection of the meter setting?

15              A.     Never.

16              Q.     And how many times in your 21-year career  
17       have you seen the company service pipe extend 100,  
18       200, 300 feet after the curb cock or meter setting?

19              A.     Never.

20              Q.     And when was the service at 54 Grandview  
21       originally established?

22              A.     In February 1922.

1           Q.    And is that date shown in the exhibit to  
2   your surrebuttal testimony?

3           A.    Yes.

4           Q.    Exhibit 1.04SR?

5           A.    Yes.

6           JUDGE JONES:   Do you have copies of those with  
7   you that you -- I mean, you don't need to look,  
8   Mr. Laramore.   I just want to make sure that if  
9   somebody is asking questions about a document that --

10          MR. LARAMORE:   I don't have a copy with me.

11          MR. JONES:    I can scoot down and he can look at  
12   mine.

13          JUDGE JONES:   Thank you, Mr. Jones.

14          MR. JONES:    Thank you, Your Honor.

15          Q.    (By Mr. Jones)   And are there company  
16   records showing installation of the service pipe from  
17   the distribution main to the meter setting?

18          A.    Yes.

19          Q.    And are there additional company records  
20   that you attach to your surrebuttal testimony also  
21   included as Exhibit 1.04SR that show maintenance and  
22   repair of the service pipe from the distribution main

1 to the meter setting, and that's maintenance records  
2 of 1936, 1945 and 1949?

3 A. Yes.

4 Q. Are there any -- I am sorry. Are there any  
5 company records showing installation by the company  
6 of the service pipe from the meter setting to the  
7 premises?

8 A. No.

9 Q. Are there any company records showing  
10 maintenance or repair or replacement by the company  
11 of the service pipe from the meter setting to the  
12 premises over that 90-year period?

13 A. No.

14 Q. If the company had installed this service  
15 pipe from the meter setting to the premises at 54  
16 Grandview or ever replaced it or performed  
17 maintenance, would the company have records of that  
18 installation?

19 A. Yes, we would.

20 Q. Also, if the company had installed the  
21 service pipe from the meter setting to -- strike  
22 that.



1                   If the company had installed service  
2     pipe from the distribution main all the way to the  
3     property line at 54 Grandview Drive, where would the  
4     meter cock have been located?

5           A.    On the property line at 54 Grandview.

6           MR. JONES:  Thanks, Your Honor.  That's all I  
7     have.

8           JUDGE JONES:  Thank you, Mr. Jones.

9                   Mr. Laramore, do you have any recross  
10    for this witness based on Mr. Jones' redirect?

11          MR. LARAMORE:  Actually, I do.

12                   RECROSS EXAMINATION

13          BY MR. LARAMORE:

14          Q.    Ms. Beard, in your cross examination of me  
15    you did state that there are instances where the  
16    company service pipe can extend beyond the curb cock,  
17    is that correct?

18          A.    That's correct, if the customer --

19          Q.    I am just asking if you stated that.  And  
20    is there --

21          JUDGE JONES:  Hold on, hold on.  Let the  
22    witness complete her answer.  If you think she has

1     gone beyond your question, you can move to strike  
2     some portion of it. But we will let her finish.

3             Q.    Okay. Go ahead?

4             A.    When a customer runs out their service line  
5     and they run short of the meter tile, instead of  
6     having them extend it out a couple more feet, we will  
7     attach a tail piece to our outlet connection and hook  
8     it up on the outside of the meter box.

9             Q.    And is there -- and do you believe the  
10    intent of the definition of the company's service  
11    pipe in the tariffs allow you to extend the company  
12    service pipe beyond the curb cock for any purpose?

13            A.    Yes, that would be considered the outlet  
14    connection.

15            Q.    Okay. Does the tariff state anywhere that  
16    there is a limit as to how far you could do that  
17    before it stopped becoming company service pipe?

18            A.    No.

19            MR. LARAMORE: Thank you. That's all my  
20    questions.

21            JUDGE JONES: Mr. Sagone, did you have any  
22    recross?

1           MR. SAGONE:  Nothing from Staff.

2           JUDGE JONES:  Mr. Jones, any re-redirect?

3           MR. JONES:  No, Your Honor.

4           JUDGE JONES:  I have a couple questions for  
5   you, Ms. Beard.

6                               EXAMINATION

7           BY JUDGE JONES:

8           Q.  Could you refer to your direct testimony,  
9   page 3, please?  Do you have that in front of you?

10          A.  Yes.

11          Q.  At the bottom of that page on line 68 and  
12   69 there is a question and then you answer that on  
13   the following page, line 70 to 74.  The question is,  
14   "Why does Mr. Laramore's customer service pipe run  
15   through his neighbor's property," and in your answer  
16   you state in part, "The service pipe runs through his  
17   neighbor's yard."  That's line 72, 73.  Is that still  
18   your testimony?

19          A.  No, sir.  I am not really sure exactly  
20   where Mr. Laramore's line runs and whether or not it  
21   is on his neighbor's property or not.  I was judging  
22   by a drawing, a hand drawing, that I received.

1           Q.    Now, on line 68 and many other places in  
2   your testimony you refer to Mr. Laramore's customer  
3   service pipe.  Do you see that reference?

4           A.    Yes.

5           Q.    With respect to the area comprising the  
6   route of what you refer to as Mr. Laramore's customer  
7   service pipe, does Illinois-American hold an  
8   easement?

9           A.    Are you asking me where his service line  
10   currently is or --

11          Q.    You refer to Mr. Laramore's customer  
12   service pipe.  You see that reference, correct?

13          A.    Yes, yes.

14          Q.    Do you know if Illinois-American Water  
15   Company has an easement for the route or property on  
16   which that customer service pipe that you refer to is  
17   located?

18          A.    No, sir, I am not aware of any.

19          Q.    Do you know if -- let me back up a minute.

20                    The stipulation refers to the water  
21   main that runs in front of Mr. Laramore's property at  
22   Grandview Drive A, correct?

1           A.    Yes.

2           Q.    Does Illinois-American Water Company have  
3   any water mains extending along Grandview Drive A?

4           A.    No.

5           Q.    Do you know if Illinois-American Water  
6   Company has ever had any water mains extending along  
7   so-called Grandview Drive A?

8           A.    No, we have not.

9           Q.    Do you know if Illinois-American Water  
10   Company holds any easements or easement rights along  
11   Grandview Drive A?

12          A.    Not that I am aware of.

13          Q.    Does Illinois-American Water Company  
14   currently serve any customers other than Mr. Laramore  
15   along Grandview Drive A?

16          A.    Yes, we do.

17          Q.    And where are they located?

18          A.    They would be further on down at the end of  
19   the street.  I don't know the exact house numbers  
20   offhand.

21          Q.    What direction would they be from  
22   Mr. Laramore's place?

1           A.    They would be south.

2           Q.    Do you know how far south the nearest one  
3 would be from Mr. Laramore's place? We will say from  
4 his house.

5           A.    No, sir, I don't.

6           Q.    Do you know if they are in the same block?

7           A.    Yes, there is a couple more houses at the  
8 end of that street.

9           Q.    Which side of the street are they on?

10          A.    I believe there is -- I believe there is  
11 two more houses, maybe three, and I believe that two  
12 of them are on the opposite side of the street and  
13 there may even be one at the very end of the street,  
14 but I am not sure. I would have to see a map again.

15          Q.    Is there a company main running to those  
16 properties from somewhere?

17          A.    They are served off of the different street  
18 that they are located near. I don't have the map in  
19 front of me to give you the street name.

20          Q.    Do you know if that different street  
21 intersects Grandview A?

22          A.    No, it does not. Grandview A is a dead

1     end.

2             Q.    How does the water line reach those  
3     customers on Grandview A?

4             A.    The one customer that's at the very end,  
5     his property also butts up to a street.  It is kind  
6     of hard to explain without a map here.  I am going by  
7     memory.  Where Grandview dead ends I know there is a  
8     house at the very end and its water service is off of  
9     an adjacent street that's not connected to Grandview.  
10    And then there is a house, I believe, right across  
11    the street from his that's also served on the back  
12    side.  There is -- off that road there is a water  
13    main.

14            Q.    Now, with respect to service to those  
15    customers, is any portion of the company's water main  
16    located on Grandview A?

17            A.    No, not that I am aware of.

18            Q.    Are there any company water mains at all on  
19    Grandview A?

20            A.    No, sir.

21            Q.    Is there a house located on the east side  
22    of Grandview A to your knowledge?

1           A.    Yes.

2           Q.    Is that referred to as Riggs?

3           A.    Yes, that's number 50 Grandview.

4           Q.    Does Illinois-American Water Company

5 provide water service to that house?

6           A.    Yes, we do.

7           Q.    Would you indicate the mains or lines that

8 are used for that?

9           A.    Their service is directly out the front of

10 their property, out on Grandview.

11          Q.    Which Grandview?

12          A.    The Grandview that their house faces.

13          Q.    Is that Grandview A or Grandview B?

14          A.    B.

15          Q.    Thank you. Are you saying there is a

16 connection then between the company line on Grandview

17 B and their home?

18          A.    Yes.

19          Q.    Who owns the pipe between Grandview B and

20 the Riggs' home, if you know?

21          A.    We own the service pipe from the main to

22 the meter tile, and then Mr. and Mrs. Riggs would own



1 from the meter tile to the home.

2 Q. When you say Mr. and Mrs. Riggs own that,  
3 that's from where to where, referring to the map?

4 A. Well, the meter tile sits out on Grandview  
5 B, out near the edge of the road. And I don't know  
6 how their service pipe runs to their home, but I  
7 would assume it would be a straight shot.

8 JUDGE JONES: I don't have any further  
9 questions for Ms. Beard.

10 I will make an accommodation here that  
11 is not necessarily done that often, but since I did  
12 ask some questions, given the circumstances, if  
13 others have some follow-up questions as a result of  
14 my questions, I will allow a certain amount of that  
15 to occur.

16 MR. LARAMORE: I have some.

17 JUDGE JONES: Just a moment. So it is  
18 Mr. Jones' witness, so we will start with you. Do  
19 you have any follow-up to my questions?

20 MR. JONES: No, Your Honor.

21 JUDGE JONES: All right. Mr. Laramore, do you  
22 have any follow-up questions to my questions?

1           MR. LARAMORE: Yes, sir. Yes, Your Honor, I  
2 do.

3                               RECROSS EXAMINATION

4           BY MR. LARAMORE:

5           Q. Ms. Beard, in the tariffs does it state  
6 anywhere that the distance -- that there is required  
7 -- give me one moment to get this question in my mind  
8 correct.

9                               Is there anywhere in the tariffs that  
10 state the distance the service pipe runs after it  
11 leaves the distribution main is limited in any way?

12          A. Not that I am aware of.

13          Q. So it could -- so would you agree that it  
14 could go as far as it needs to, no matter -- so since  
15 there is no limitation, that it could go any distance  
16 that you would like?

17          A. No.

18          Q. So if there is -- Ms. Beard, if there is no  
19 limitation in the tariff for how far the service pipe  
20 runs, what would be the limitation? What would  
21 determine the limitation in that case?

22          A. We would stop on the back side of the meter

1     tile.

2           Q.    Ms. Beard, in your opinion if it was more  
3     efficient for Am-Water to run a service pipe from a  
4     distribution main on one street to a house on a  
5     different street rather than run a new, brand new,  
6     distribution main, not specifically stated in this  
7     case, I mean, in general it could be five feet down  
8     the street, would that be something Am-Water would  
9     do?

10          A.    I am sorry.  Could you repeat the question?

11          Q.    This is a general, not specific to this  
12     scenario.  If a house was on another street and the  
13     distribution main did not run on that street and that  
14     house, let's say, is ten feet down that street,  
15     instead of running a distribution main would Am-Water  
16     connect to that street from the main not on their  
17     street?

18          A.    You would have to have front footage, first  
19     of all.  Secondly, we would not run a main.  Are you  
20     talking about a to a property that's land-locked?

21          Q.    I wasn't aware there was a difference.

22          A.    I am sorry.  Could you repeat the question

1 one more time or rephrase it?

2 Q. If the -- well, if the distribution main --

3 A. If the customer wanted water and did not  
4 have front footage and there was no main located,  
5 they would have the option to pay for a main  
6 extension.

7 Q. Okay. Even if the property was just a  
8 short distance from the roadway?

9 A. Yes.

10 MR. LARAMORE: Okay. I don't have any more  
11 questions.

12 JUDGE JONES: All right. Thank you,  
13 Mr. Laramore.

14 Mr. Sagone, did you have anything else  
15 for the witness?

16 MR. SAGONE: Nothing from Staff.

17 JUDGE JONES: Mr. Jones?

18 MR. JONES: No, Your Honor.

19 JUDGE JONES: All right. Thank you, Ms. Beard.  
20 That concludes the questions for you.

21 (Witness excused.)

22 Off the record regarding any further

1       scheduling.

2                               (Whereupon there was then had an  
3                               off-the-record discussion.)

4               JUDGE JONES:   Back on the record.

5                       There was an off-the-record discussion  
6       about whether there would be a briefing opportunity  
7       provided to the parties and, if so, what date or  
8       dates that would entail.   I believe there is some  
9       agreement on that.   We will check with the parties to  
10      see about that.   In any event, I think the dates that  
11      came out of there, perhaps subject to some things,  
12      would be June 23 for initial briefs and July 7 for  
13      reply briefs.   Initial -- both those dates would  
14      apply to all parties.   Those would be simultaneous  
15      filing dates for everyone that decides to make a  
16      filing on June 23.   There would also be a  
17      simultaneous date applicable to all those who decide  
18      to make a filing on July 7, that would mean  
19      Mr. Laramore and Illinois-American Water Company and  
20      the Commission Staff.

21               MR. SAGONE:    I am sorry, Your Honor.

22               JUDGE JONES:   Oh, I'm sorry.   You are right,

1     you are right, those were moved up. Thank you,  
2     Mr. Sagone. Those dates as advanced from the earlier  
3     tentative dates are actually June 15 and June 29.  
4     June 15 being initial briefs, June 29 being reply  
5     briefs. Those are simultaneous filing dates  
6     applicable to all parties on each date.

7                     They are referred to as briefs and  
8     reply briefs, but that would also apply to a filing  
9     that would be known as a summary of position, for  
10    example, if that were preferred by the party over  
11    calling it a brief. That provides an opportunity to  
12    parties to pull their positions together in one  
13    place, giving consideration to all the rounds of  
14    filings that have been made as well as to the cross  
15    examination evidence that came into the record today.

16                    However, those briefs or summaries of  
17    position filings are not intended to be used to  
18    introduce new factual information or new evidence.  
19    That is, they are not for that purpose.

20                    Now, I believe, Mr. Sagone, are you  
21    able to sign off on those dates or did you need to  
22    put a qualifier on that?

1           MR. SAGONE:    I think we can sign off on those  
2    dates.

3           JUDGE JONES:   All right.   Thank you.   First of  
4    all, are there any points of clarification with  
5    regard to those two dates or what they are for?

6                            (No response.)

7                            Let the record show there are not.

8                            Are there any objections then to the  
9    use of a filing schedule that includes those two  
10   dates?

11                           (No response.)

12                           All right.   Let the record show there  
13   are no objections, so those two filing dates are  
14   hereby approved and implemented as part of the  
15   post-hearing schedule in this proceeding.   If parties  
16   perceive some need to adjust those dates, you can  
17   communicate among yourselves to see if there is  
18   agreement on that as a first step, if necessary.

19                           Any questions about any of that?

20           MR. JONES:    No, Your Honor.

21           JUDGE JONES:   One moment.

22                           (Pause.)

1                   All right. There was a stipulation  
2   of facts filed in this proceeding. My assumption is  
3   that the parties intend that these facts be made part  
4   of the evidentiary record in this case. Let me make  
5   sure. Is that the intent?

6           MR. LARAMORE: Yes.

7           MR. JONES: That's fine with me, Your Honor,  
8   yes.

9           JUDGE JONES: Mr. Sagone, is that satisfactory  
10   to you?

11                   (No response.)

12                   Mr. Sagone, do you have any objection  
13   to those stipulated agreed facts being considered  
14   part of the evidentiary record in this docket?

15                   (No response.)

16                   All right. Let the record show no  
17   response. At this time just I would note for the  
18   record that the stipulated agreed facts that are  
19   included in the stipulation filed by  
20   Illinois-American through Mr. Jones and by  
21   Mr. Laramore are deemed part of the evidentiary  
22   record in this proceeding.



1                   All right. I think that may be it.  
2     Do the parties have anything else for the record  
3     today before we conclude the hearing?  
4           MR. SAGONE: Nothing from Staff.  
5           JUDGE JONES: All right. Thank you. Anybody  
6     else?  
7           MR. JONES: No, Your Honor, not from the  
8     company.  
9           JUDGE JONES: At this time then let the record  
10    show that today's hearing is over. Our thank you to  
11    all of you for your participation and cooperation  
12    today and also the days that preceded it. Let the  
13    record show that, subject to the above-referenced  
14    post-hearing filing schedule, the record in this case  
15    is hereby marked heard and taken.

16                   HEARD AND TAKEN

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